

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

Case No.: 1:19-cr-10041-JBD

BRITNEY PETWAY

ORDER ON MOTION TO AMEND CONDITIONS OF BOND

Defendant Britney Petway moves the Court to amend the conditions of her pre-trial release set by the Court on April 22, 2019. (Docket Entry [D.E.] 39). Among other conditions, the Court restricted Ms. Petway from prescribing Schedule II and Schedule IV medications and required her to relinquish her DEA card/registration number until resolution of this case as conditions of her pre-trial release. (D.E. 35). Ms. Petway moves the Court to amend the conditions of her pre-trial release to remove the condition that she relinquish her DEA card until resolution of this matter. (D.E. 39). Although the present motion states that the Government opposes Ms. Petway's request, the Government has not filed a response to her motion to amend the conditions of her pre-trial release/bond.

Ms. Petway, a Nurse Practitioner licensed to practice medicine in the State of Tennessee, has been charged in a single count indictment for alleged violations of 21 U.S.C. § 846. (D.E. 3). Specifically, the indictment alleges that Ms. Petway "issued prescriptions for controlled substances, including the Schedule II controlled substances of Oxycodone and Hydrocodone, and the Schedule IV controlled substances Alprazolam and Clonazepam . . . outside the usual scope of professional practice and without a legitimate medical purpose." (Id. at ¶ 1, PageID 4). The indictment further charges that Ms. Petway "use[d] her status as a licensed Nurse Practitioner, her DEA Registration Number, and her medical practice [] to knowingly and intentionally prescribe

[Schedule II and Schedule IV substances], outside the course of professional practice and not for a legitimate medical purpose.” (Id. at ¶ 20, PageID 10).

In granting Ms. Petway pre-trial release, the Court sought to balance her ability to continue in her profession as a nurse practitioner while seeking to protect the community from her alleged criminal actions – the distribution of Schedule II and Schedule IV substances outside the course of professional practice and without a legitimate medical purpose. The Court restricted Ms. Petway from prescribing Schedule II and Schedule IV substances and ordered her to relinquish her DEA card/registration number pending the resolution of the charges against her, to achieve the goal of protecting the community. The purpose of these restrictions is to prevent Ms. Petway from prescribing any controlled substances that could be abused by patients, considered to be narcotic or mind/mood altering, addictive, or have potential resale value on the street. With no objection from the Government to Ms. Petway’s motion to amend the conditions of her pre-trial release/bond, the Court finds that restricting Ms. Petway from prescribing any Schedule II or Schedule IV substances is adequate to protect the community, and that it is unnecessary for Ms. Petway to relinquish her DEA card/registration number. Accordingly, Defendant Petway’s motion to amend the conditions of her pre-trial release to remove the relinquishment of her DEA card/registration number is GRANTED.

IT IS SO ORDERED this the 7th day of June, 2019.

s/Jon A. York

UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS ORDER MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE ORDER. 28 U.S.C. § 636(b)(1). FAILURE TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.